



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/618,105

07/10/2003

Koji Kita

KIT-359

3881

24972 7590 11/16/2007  
FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198

EXAMINER

DANG, DUY M

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/618,105	<b>Applicant(s)</b> KITA ET AL.	
	<b>Examiner</b> Duy M. Dang	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims 7-17 drawn to an invention nonelected with traverse in the reply filed on 4/27/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Response to Arguments***

2. Applicant's amendment filed on 8/29/2007 has been entered and made of record.
3. Applicant's arguments filed 8/29/2007 have been fully considered but they are not persuasive.

In reply to applicant's argument set forth at 1<sup>st</sup> paragraph of page 9 that of "*Hirano by the Examiner...editing command.*" The examiner would like to offer the following remarks. The combination of figure 12 (block 210 and box 211) and column 1 lines 35-55 teach claimed rotation. Block 210 and box 211 in figure 12 represents two circumscribed rectangles and the box 211 is automatically prepared at position of the rectangle. This implies that box 211 is inherently rotated by the editing command in order for it to be circumscribed with the block 210. In addition, the claimed language does not require to only rotate the template information. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2624

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Hirano et al. (USPN 5,493,639. Art of record provided by Applicant's IDS filed on 1/25/05, referred as Hirano hereafter) in view of Yamagata et al. (USPN 5,920,658. Referred as Yamagata hereinafter).

Regarding claim 1, Hirano teaches an image processing apparatus having synthesizing means (i.e., editing processing unit 81 of figure 8) for synthesizing image information in the form of digital signals and template information (see figur3: blocks 30 and 34 refer to the so called "template information" and character code , depicted at 32 and 36 refer to the so called "digital signals") the apparatus comprising: rotation processing means (see column 1 lines 35-54, column 2 lines 1-3, figure 12, and editing processing unit 81 of figure 8. Note that rotation is a part of editing command so the editing processing 81 functions as the so called "rotation processing means") for effecting a rotation operation on the template information according to a posture of the image information which is either a vertical posture or a horizontal posture (the height and width of the region depicted at 31 and 35 of figure 3 correspond to the so called "vertical and horizontal postures" respectively), the vertical and horizontal postures having different vertical and horizontal sizes from each other (the height and width of the region depicted at 31 and 35 of figure 3 have different sizes i.e., height is shorter than width), the template information having a reference display posture corresponding to either said vertical or horizontal posture of the image information (i.e., each shape of each regions 30, 31, 34, and 35 is a rectangle shape which refers to claimed "reference display posture"); and converting means for

Art Unit: 2624

converting the template information according to a predetermined rule when said rotation processing means effects the rotation operation (i.e., the editing processing unit 81 of figure 8 for converting region 30 depicted at left side of figure 3 to region 30 depicted at the right side of figure 3 into the hard copy depicted at 84 of figure 8) wherein the template information comprises image data for forming, in said reference display posture, horizontal sides and vertical sides around the image information and said rule includes a numerical value representing a ratio so that the horizontal sides and the vertical sides of the template information after the rotation operation thereof are set to a predetermined width ratio (i.e., the representation in figure 3 has attribute depicted at figure 10b. For example the “size” in figure 10b has numerical value represented at “80,40” which refers to the length of the width and height of the region 30 of figure 3 so the ratio of width and height in this case is 2:1 (80/40)).

Regarding claims 5-6, these claims are also rejected for the same reasons as set forth in claims 1

***Allowable Subject Matter***

6. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the closest prior art (Hirano) does not teach or suggest the claimed features that of “*converting...rotation operation*” as newly amended to claim.

Regarding claim 3, the closest prior art (Hirano) does not appear to teach or suggest claimed features of “wherein the template information comprises character string data for displaying a leading character according to a predetermined reference coordinate system in the

Art Unit: 2624

reference display posture; and said rule includes a parameter for converting a display position of the leading character into a value corresponding to a length of one side of the image information after the rotation operation and a parameter for setting an inter-character distance of the character string according to the length of said one side.”

Regarding claim 4, the closest prior art (Hirano) does not appear to teach or suggest claimed features of “wherein the template information comprise image data to be set within the image information based on predetermined locate information in the reference display posture; and said rule includes a parameter for converting the locate information so that the template information may be displayed at a predetermined position within the image information during the rotation operation.”

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2624

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd  
11/07



**DUY M. DANG**  
**PRIMARY EXAMINER**